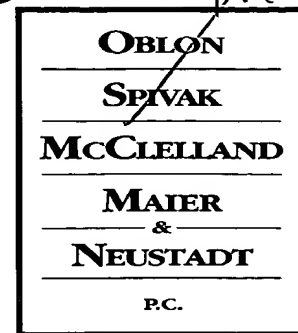


Docket No.: 211815US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/890,969  
Applicants: Bang LUU, et al.  
Filing Date: April 11, 2002  
For: PREVENTIVE AND THERAPEUTIC DRUG FOR  
NEURODEGENERATIVE DISEASE  
Group Art Unit: 1617  
Examiner: G. Mitchell

SIR:

Attached hereto for filing are the following papers:

**Terminal Disclaimer; Assignment (copy)**

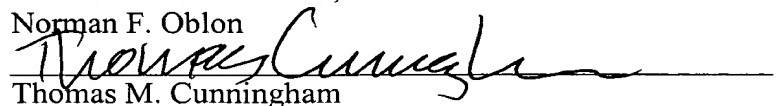
Our credit card payment form in the amount of **\$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

The Applicants thank Examiner Wang for the courteous and helpful discussions of May 3 and May 9, 2006. The Examiner indicated that the remaining rejections would be withdrawn and that U.S. Patent No. 6,228,893 was not applicable prior art. However, he requested that the Applicants file a terminal disclaimer on the grounds that there may be overlap between Claim 7 of the '893 patent and the present claims. The Applicants assert that the present claims (which are directed to treatment of ALS) are patentably distinct from Claim 7 (directed to a method of stimulating neurite outgrowth) of the '893 patent. Nevertheless, to resolve this issue, they now file, without prejudice, the attached terminal disclaimer.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

  
Thomas M. Cunningham

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Customer Number

**22850**

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(703) 413-2220 (fax)

Docket No. 211815US0PCT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Bang LUU, et al.

SERIAL NO: 09/890,969

GAU: 1617

FILED: April 11, 2002

EXAMINER: G. Mitchell

FOR: PREVENTIVE AND THERAPEUTIC DRUG FOR NEURODEGENERATIVE DISEASE

**TERMINAL DISCLAIMER**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Meiji Dairies Corporation is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, a copy of the Assignment is attached hereto, and said copy is a true and accurate copy of the Assignment as filed in the U.S. Patent and Trademark Office.

Meiji Dairies Corporation hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,228,893, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,228,893, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Meiji Dairies Corporation does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,228,893 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

05/11/2006 SDENB081 00000105 09890969

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130.00 OP

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

5/10/06  
Date Signed

[Signature]

Customer Number

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(OSMMN 05/03)

**COPY**

**Assignment Of Application**

Page 1 of 2

INSERT NAMES  
AND RESIDENCE  
ADDRESSES OF  
THE INVENTORS:

WHEREAS, I (WE) LUU Bang, SCHMITT Gaby, KEYLING-BILGER Florence  
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address of CNRS, Universite Louis Pasteur, Centre de Neurochimie 5, rue Blaise  
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LOEFFLER Jean-Philippe and LUTZ-UCHER Bernadette with the address of CNRS,  
Universite Louis Pasteur, 21, rue Rene Descartes 67084 Strasbourg, FRANCE;  
YAMADA Masashi and SUMA Yukie with the address of c/o Meiji Dairies Corporation,  
Development Section, Pharmaceuticals Dept., 26-11, Midori 1-chome, Sumida-ku,  
Tokyo 130-8502 JAPAN ; CHABERT Philippe of CNRS, Universite Louis  
Pasteur, Centre de Neurochimie, 5, rue Blaise Pascal, 67084  
Strasbourg, FRANCE

INSERT TITLE  
OF INVENTION:

\_\_\_\_\_, respectively,  
have invented certain new and useful improvements in: PREVENTIVE AND  
THERAPEUTIC DRUG FOR NEURODEGENERATIVE DISEASE

INSERT DATE IN-  
VENTORS SIGNED  
DECLARATION:

for which an application for Letters Patent was executed on July 25, Aug. 02, Aug. 08,  
and Aug. 21, 2001  
(Application No. 09/890,969, filed AUGUST 8, 2001), and

INSERT NAME  
AND ADDRESS OF  
COMPANY OR  
OTHER ASSIGNEE:

WHEREAS, MEIJI DAIRIES CORPORATION  
(hereinafter referred to as "ASSIGNEE") having a place of business at: 3-6, Kyobashi 2-chome, Chuo-ku, Tokyo 104-0031 JAPAN  
is desirous of acquiring the entire right, title and interest in and to said invention and in and to any  
Letters Patent that may be granted therefore in the United States and its territorial possessions and in  
any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the  
receipt whereof is hereby acknowledged, and for other good and valuable consideration,  
I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and  
exclusive right to the said invention in the United States and its territorial possessions and  
in all foreign countries and the entire right, title and interest in and to any and all Letters  
Patent which may be granted therefor in the United States and its territorial possessions  
and in any and all foreign countries and in and to any and all divisions, reissues, continua-  
tions, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. of Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: 02.08.2001

(Signature of Inventor)

LUU Bang

Date: 02.08.2001

(Signature of Inventor)

SCHMITT Gaby

Date: 08.08.2001

(Signature of Inventor)

KEYLING-BILGER Florence

Date: 21.08.2001

(Signature of Inventor)

GIRLANDA-JUNGES Celine

Date: 21.08.2001

(Signature of Inventor)

LOEFFLER Jean-Philippe

Date: 21.08.2001

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LUTZ-BUCHER Bernadette

Date: 21/08/2001

(Signature of Inventor)

GONZALEZ de AGUILAR Jose-Luis

Date: 25.7.2001

(Signature of Inventor)

YAMADA Masashi

Date: 25. July 2001

(Signature of Inventor)

SUMA Yukie

Date: \_\_\_\_\_

(Signature of Inventor)

CHABERT Philippe

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